

KATHERINE A. MACFARLANE
SYRACUSE UNIVERSITY COLLEGE OF LAW
DINEEN HALL • 950 IRVING AVENUE • SYRACUSE, NY 13244
562-201-7208 • KAMACFAR@SYR.EDU

CURRENT ACADEMIC APPOINTMENT

SYRACUSE UNIVERSITY COLLEGE OF LAW, SYRACUSE, NY
Associate Professor and Director, Disability Law and Policy Program, 2023–Present (appointed with tenure)

COURSES

CURRENT COURSES: Civil Rights Litigation, Constitutional Law I, Disability Law
PAST COURSES TAUGHT: Civil Procedure, California Civil Procedure, Conflict of Laws, Constitutional Law II, Federal Courts, Torts

GOVERNMENT EMPLOYMENT

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION,
Special Counsel for Disability Rights, 2022–2023

SELECTED HONORS AND AWARDS

Chai Feldblum Award, AALS Section on Law Professors with Disabilities and Allies, 2023
Ford Foundation, U.S. Disability Rights Program Grant (principal investigator, \$250,000 grant)
Peer Reviewer: Cambridge University Press, Columbia Law Review, University of Chicago Press, Yale Law Journal
University of Idaho College of Law Diversity and Human Rights Award, 2019

SCHOLARSHIP

Trans-substantive and Transparent Case Assignment (in progress)
Self-Accommodation (in progress)
Constitutional Case Assignment, 102 N.C. L. REV. (forthcoming 2024)
Teaching the ADA's Constitutionality without Othering Law Students with Disabilities in Integrating Doctrine and Diversity: Inclusion & Equity Beyond the First Year (Carolina Academic Press 2024)
Ben Crump and Racialized Professionalism, ST. JOHN'S L. REV. (forthcoming 2024) (symposium)
Accommodation Discrimination, 72 AM. U. L. REV. 1971 (2023)
Section 1983 Dealmaking, 97 TUL. L. REV. 1 (2022),
• Reprinted in NLG Civil Rights Litigation & Attorneys Fees Handbook (2023)
Prisoner Procedure in A Critical Guide to Civil Procedure (NYU Press 2022)
Disability Without Documentation, 90 FORDHAM L. REV. 59 (2021)
Procedural Animus, 71 ALA. L. REV. 1185 (2020)
Rewritten Opinion of Kulko v. Superior Court in Feminist Family Law Judgments (Cambridge Univ. Press 2020)
Foreseeable Police Shootings, 119 COLUM. L. REV. F. 283 (2019)
Accelerated Civil Rights Settlements in the Shadow of Section 1983, 2018 UTAH L. REV. 639 (2018)

- *Reprinted in NLG Civil Rights Litigation & Attorneys Fees Handbook* (2018)

Los Angeles v. Mendez: Proximate Cause Promise for Police Shooting Victims, 118 COLUM. L. REV. F. (2018)

The New Jim Crow's Equal Protection Potential, 27 WM. & MARY BILL OF RTS. J. 61 (2018)

Posner Tackles the Pro Se Problem, 83 MO. L. REV. 113 (2018)

- *Reviewing REFORMING THE FEDERAL JUDICIARY*

Terry v. Ohio at 50, 54 IDAHO L. REV. 279 (2018) (symposium)

Camouflaging State Biosimilar Laws, 26 ANNALS OF HEALTH LAW 52 (2017)

Shadow Judges: Staff Attorney Adjudication of Prisoner Claims, 95 OR. L. REV. 97 (2017)

Predicting Utah v. Strieff's Civil Rights Impact, 127 YALE L.J. F. 139 (2016)

A New Approach to Local Rules, 11 STAN. J. C.R. & C.L. 121 (2015)

Analyzing the S.D.N.Y.'s Amended "Related Cases" Rule: The Process For Challenging Case Assignment Remains Inadequate, 69 N.Y.U. ANN. SURV. AM. L. 699 (2015)

The Danger of Nonrandom Case Assignment: How the S.D.N.Y.'s "Related Cases" Rule Has Shaped Stop-and-Frisk Law, 19 MICH. J. RACE & L. 199 (2014)

Adversarial No More: How Sua Sponte Assertion of Affirmative Defenses to Habeas Wreaks Havoc on the Rules of Civil Procedure, 91 OR. L. REV. 177 (2012)

Dismissal of Title VII Claims on "Jurisdictional" Exhaustion Grounds, 21 GEO. MASON U. CIV. RTS. L.J. 213 (2011)

OTHER WRITING

Amici Curiae Brief for E.T. v. Paxton, U.S. Court of Appeals for the Fifth Circuit No. 21-51083, January 14, 2022

A Categorical No to Categorical Accommodation Denials Related to COVID-19? PETRIE-FLOM CENTER AT HARVARD LAW SCHOOL BILL OF HEALTH BLOG (2023) (with Irina Manta)

A Patient's Right to Masked Health Care Providers, PETRIE-FLOM CENTER AT HARVARD LAW SCHOOL BILL OF HEALTH BLOG (2023)

Personal Crusades for Public Health, PETRIE-FLOM CENTER AT HARVARD LAW SCHOOL BILL OF HEALTH BLOG (2023)

Negotiating Masks in the Workplace When the ADA Does and Does Not Apply, PETRIE-FLOM CENTER AT HARVARD LAW SCHOOL BILL OF HEALTH BLOG (2022)

Using Health Justice to Dismantle Workplace Ableism, PETRIE-FLOM CENTER AT HARVARD LAW SCHOOL BILL OF HEALTH BLOG (2021)

SELECTED PRESENTATIONS

AALS Becoming a Law Professor Webinar, April 4, 2024

University of Missouri-Kansas City School of Law, "Universal Design in the Law School Classroom," Faculty Workshop Series, March 19, 2024 (with Ruth Colker)

Tulane University Law School, "Constitutional Case Assignment," Faculty Workshop Series, Feb. 26, 2024

Arizona State University Sandra Day O'Connor College of Law, "Constitutional Case Assignment," Faculty Colloquium Series, February 12, 2024

AALS Annual Meeting, Washington, D.C., 2024
Law Professors with Disabilities and Allies Section: "The Role of Self-Narrative in Legal Scholarship"
Law Professors with Disabilities and Allies Section: Commentator, Junior Scholars' Works-in-Progress

Dallas Bar Association Minority Participation Committee, "Creating a Culture Where Everyone Thrives: Disability Inclusion in the Workplace," Nov. 16, 2023

University of Pittsburgh School of Law, "Accommodation Discrimination," Faculty Workshop Series, Nov. 14, 2023

Loyola University Chicago School of Law, "Voting with Disabilities," Constitutional Law Colloquium, Nov. 10, 2023

AALS Workshop for Adjunct Faculty: Best Practices in Law School Pedagogy, July 27, 2023

St. John's University School of Law Center for Race and Law, Racialized Notions of Professionalism & The Law Symposium, "Ben Crump and Racialized Professionalism," March 24, 2023

AALS Faculty Appointment Services: Workshop for Appointments Committees, Aug. 4, 2022

Southeastern Association of Law Schools Conference, Destin, FL 2022
Aspiring Law Teachers Workshop: Navigating the Hiring Process
Aspiring Law Teachers Workshop: Crafting Your Scholarship Goals
Works-in-Progress Series – Civil Procedure

Law & Society Annual Conference, July 2022, Integrating Critical Civil Procedure

Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, Considering the Needs of the Vulnerable in the Next Stage of the Pandemic, May 20, 2022

Federal Bar Association Diversity & Inclusion Federal Clerkship Panel, April 4, 2022

Creighton University School of Law, Employment Law and the Legal Legacy of COVID-19, Symposium Keynote Address: "Disability Law's Accommodation Lessons," March 25, 2022

University of Detroit Mercy Law Review Symposium, "Disability Law's Coercive Medical Encounters," March 4, 2022

Syracuse University College of Law, Unpacking Disability Accommodations in Law School, Feb. 25, 2022

University of North Carolina School of Law, "Supporting Law Students with Disabilities in the Classroom," Feb. 16, 2022

Northwestern University School of Law, Validity and Equity Problems in Law School Teaching Evaluations Program, Jan. 20, 2022

AALS Annual Meeting, 2022 (virtual)
Disability Law Section: "Incorporating Disability into the Law School Curriculum"
Law Professors with Disabilities and Allies Section: "The Forgotten Demographic: Law Professors with Disabilities in Legal Academia"
Civil Procedure Section: "Prisoner Procedure"

AALS Annual Meeting, 2021 (virtual), Hot Topic Program, Disability and COVID-19: Lessons from Disability, Lessons from the Pandemic

Southern University Law Center, Representative Government Virtual Forum, "Accessible Ballots, Accessible Government: Ensuring Equality for Individuals with Disabilities," Oct. 2020

American University Washington School of Law, Health Law & Policy Program, Health Justice: Engaging Critical Perspectives in Health Law and Policy, Oct. 2020

Junior Faculty Federal Courts Workshop, Fayetteville, AR, “Procedural Animus,” Sept. 2019

AALS Annual Meeting, New Orleans, LA, 2019
Disability Law Section: “Disability Rights as a Social Movement” (invited speaker following call for papers)

Policing, Police Brutality, and the Black Community, LSU Law Center, Baton Rouge, LA, “Accelerated Civil Rights Settlements and Their Impact on Section 1983,” Sept. 14, 2018

Idaho Trial Lawyers Association Annual Meeting, Sun Valley, ID, “Bill Threatens to Curtail ADA Title III Claims,” June 22, 2018

Federal Bar Association of Idaho, “The History of the Fourteenth Amendment,” May 23, 2018

ACS Constitutional Scholars Forum, Barry University School of Law, Orlando, FL, “How and Why the Federal Courts Are Citing *The New Jim Crow*,” March 1, 2018

Southeastern Association of Law Schools Conference, Boca Raton, FL, “Appropriate Uses of Polarizing Current Events in Doctrinal Teaching,” Aug. 5, 2017

Southern University Law Center, Fourth Amendment Symposium, Baton Rouge, LA, “Utah v. Strieff,” Jan. 20, 2017

Loyola University Chicago School of Law, Innovations and Incentives in Life Sciences, Chicago, IL, “Innovation and Patient Access,” Oct. 28, 2016

Idaho State Bar & University of Idaho College of Law Bill of Rights Celebration, Moscow, ID, “Racial Justice Under the Bill of Rights,” Sept. 15, 2016

University of Idaho Malcolm M. Renfrew Interdisciplinary Colloquium, Moscow, ID, “Teaching and Living the Affordable Care Act,” Sept. 6, 2016

Idaho Trial Lawyers Association, Annual Meeting, Sun Valley, ID, “Recent Developments in Section 1983 Litigation: From Police to Prisons,” June 17, 2016

Law and Society Association, Courts, Litigation and Social Change Paper Session, New Orleans, LA, “Does Accelerating Civil Rights Litigation Shortchange Social Change?” June 4, 2016

Idaho Law Foundation, Twin Falls, ID, “Section 1983 as Antidiscrimination Litigation Vehicle,” May 20, 2016

Widener University Commonwealth Law School, Harrisburg, PA, “Ruling the Courts: The Future of Local Rules of Civil Procedure,” Feb. 22, 2016

Inland Northwest Scholars Workshop, Boise, ID, “Diluting the Judicial Power,” July 31, 2015

Congressional Arthritis Caucus Briefing, Panelist, Washington, D.C., July 13, 2015

Journalist Law School, Loyola Law School, Los Angeles, CA, “Using Dockets to Improve Reporting: A Police Litigation Case Study,” May 29, 2015

Women’s Leadership Symposium, Louisiana State University, Baton Rouge, LA, “Title IX and Title VII: Gender Discrimination at School and at Work,” March 7, 2014

Southeastern Association of Law Schools (SEALS), Prospective Law Teachers Workshop, “A New Approach to Local Rules,” August 3, 2014

Faculty Paper Workshop, LSU Law Center, Baton Rouge, LA, “Of Prisoners and Patents: Non-transsubstantive Local Rules,” April 9, 2014

Journal of Race & Law Speaker Series, University of Michigan Law School, Ann Arbor, MI, “Stop-and-Frisk Litigation in the Second Circuit,” Feb. 3, 2014

Southeastern Law Scholars Conference, Charleston, SC, “The Danger of Nonrandom Case Assignment,” Oct. 5, 2013

TESTIMONY

Before the Louisiana Legislature, House Committee on Health and Welfare, May 2015

MEDIA

New York Times, Wall Street Journal, NPR, USA Today, Teen Vogue, Fortune, The Nation, Bloomberg News, Psychology Today, Science, Health Central, Law 360, Law to Fact, Ipse Dixit, Legal Innovators Law in Black & White, Tea for Teaching, National Catholic Reporter, New Orleans Times-Picayune

SERVICE

NATIONAL

Association of American Law Schools Committee on Arc of Career Programs (2024) (by invitation)
Association of American Law Schools Women in Legal Education Section, Treasurer (2024)
American Association of University Women, Fellowships & Grants Review Panel (2022)
Association of American Law Schools Affinity Group for Law Professors with Disabilities and Allies, Co-Founder, Executive Committee (2021–Present)
Association of American Law Schools Disability Law Section, Chair (2021), Chair-Elect (2020), Secretary (2019), Executive Committee (2022–Present)

SYRACUSE UNIVERSITY COLLEGE OF LAW

Mock Law Lecture, Admitted Students Day, 2024
Mock Law Lecture, Youth Law Day, 2024
Appointments Committee, 2023
Faculty Co-advisor, Disability Law Society, 2023–Present

SOUTHERN UNIVERSITY LAW CENTER

Ad Hoc Committee on Long-Term Course Schedule, 2022
Ad Hoc Committee on Grading Software, 2022
Cultural Competency Series, Speaker, 2021
Advisor, *Southern University Law Review* 2021–2022 (four student papers)

UNIVERSITY OF IDAHO

Chair, College of Law Recruitment Committee, 2020–2021
Member, COVID-19 University of Idaho Advisory Committee, 2020–2021
Outside Member, Department of Politics and Philosophy Tenure and Promotion Committee, 2020
University of Idaho Representative, Local Rules Advisory Committee, District of Idaho, 2016–2019
Chair, Strategic Plan Implementation Committee, 2018–2019
Faculty Advisor, IDAHO LAW REVIEW symposium issue, 2017–2018 and 2018–2019
Member, University of Idaho Title IX Policies, Procedures and Protocol Committee, 2017–2018
Faculty Advisor, American Constitution Society Student Chapter, 2016–2021
Coach, National Moot Court Team, 2016–2017
Outside Member, University of Idaho Media Law Search Committee, 2015–2016
Faculty Advisor, University of Idaho College of Law Black Law Students Association, 2015–2016

COMMENTARY

Employers Have the Power to Make Workplaces More Accessible, BLOOMBERG LAW, Oct. 22, 2021

Vaccinate High-Risk People with Disabilities, Now, MS. MAGAZINE, March 4, 2021
Accommodations and Everything After, MS. JD WRITER IN RESIDENCE, Jan.–Dec. 2018
Idaho Legislation Looks Disturbingly Like Arizona’s ‘Show Your Papers’ Law, ACS BLOG, Feb. 2017
Does Idaho’s Immigration Bill Go Too Far?, IDAHO STATESMAN Feb. 9, 2017
Opinion: Trump Wrong But Stop-and-Frisk Still Constitutional, LAW360, Sept. 22, 2016
Utah v. Strieff May Shrink Civil Rights Damages, ACS BLOG, July 2016
Stalled In an Inaccessible Bathroom, THE MIGHTY, June 20, 2016
Uterus Transplants & the Social Pressures of Biological Motherhood, MS. BLOG, Nov. 2015
Procedure Takes Center Stage in Stop-and-Frisk Litigation, SUMMARY JUDGMENTS, LOYOLA LAW SCHOOL FACULTY BLOG, Nov. 18, 2013 (invited guest blogger)
New York City’s Stop-and-Frisk Appeals Are Still Alive, BROOKLYN L.J. PRACTICUM (2013)
Gender Bias in the Courtroom, N.Y. OBSERVER, July 10, 2013
Lactation Regulation, DAILY JOURNAL, Sept. 23, 2009

EDUCATION

LOYOLA LAW SCHOOL, LOS ANGELES, CA
J. D., *cum laude*, 2006

Honors: Order of the Coif

Awards: Copyright Law First Honors
Dean’s Service Award

Scholarships: California Bar Foundation Service Scholarship
Faculty Honors Scholarship
Jesuit Community Scholarship

Law Review: Chief Articles Editor, *Loyola Law Review*

Note: *Derungs v. Wal-Mart Stores: A Federal Interpretation Excluding Breast-Feeding from a State’s Sex Discrimination Protection*, 38 LOY. L.A. L. REV. 2319 (2005)

NORTHWESTERN UNIVERSITY, EVANSTON, IL

B.A., *magna cum laude*, Spanish Language and Gender Studies, 2002

Honors: Phi Beta Kappa

Awards: Pathbreaker Award, Women in Leadership Conference
Summer Undergraduate Research Grant

Study Abroad: Universidad de Guanajuato, Mexico (literature coursework)

JUDICIAL CLERKSHIPS

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, LOS ANGELES, CA
Law Clerk to Hon. Arthur L. Alarcón, 2007–2008

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA, PHOENIX, AZ
Law Clerk to Hon. Frederick J. Martone, 2006–2007

PRIOR ACADEMIC APPOINTMENTS

SOUTHERN UNIVERSITY LAW CENTER, BATON ROUGE, LA
Associate Professor, 2021–2023

Courses: Civil Procedure, Constitutional Law, Federal Courts

UNIVERSITY OF IDAHO COLLEGE OF LAW, BOISE, ID
Associate Professor, 2015–2021 (tenured in 2019)
Courses: Civil Procedure, Civil Rights Litigation, Conflict of Laws, Constitutional Law, Federal Courts

CHAPMAN UNIVERSITY FOWLER SCHOOL OF LAW, ORANGE, CA
Visiting Professor of Law, 2019–2020

LOUISIANA STATE UNIVERSITY PAUL M. HEBERT LAW CENTER, BATON ROUGE, LA
Teaching Fellow and Assistant Professor of Professional Practice, 2013–2015
Courses: Civil Rights Litigation, Disability Rights, Legal Writing & Research

PROFESSIONAL EXPERIENCE

NEW YORK CITY LAW DEPARTMENT, NEW YORK, NY
Assistant Corporation Counsel, Special Federal Litigation Division, 2011–2013
Lead counsel in approximately 80 federal civil rights actions

QUINN EMANUEL URQUHART & SULLIVAN, LLP, LOS ANGELES, CA AND NEW YORK, NY
Associate, 2008–2011
Senior associate in mortgage-backed securities litigation against Countrywide Financial and Bank of America
Lead counsel in *pro bono* federal prisoner civil rights action

OTHER EMPLOYMENT

O'MELVENY & MYERS, LLP, CENTURY CITY, CA, Summer 2005, Summer Associate

HADSELL & STORMER, PASADENA, CA, Summer 2004, Law Clerk

INNER CITY LAW CENTER, LOS ANGELES, CA, 2002–2003, Paralegal

MALDEF, LOS ANGELES, CA, 2002, Legal Secretary

BAR ADMISSIONS

California (inactive), New York (active), United States Court of Appeals for the Ninth Circuit, Central District of California, Southern and Eastern Districts of New York

COMMUNITY SERVICE

Mentor students, lawyers, and professors with disabilities regarding higher education and workplace accommodations

Arthritis Foundation, Patient Ambassador

Global Healthy Living Foundation, Patient Advocate

Catholic Charities of Idaho, DACA Volunteer

Loyola Law School Class of 2006 Reunion Committee, Co-Chair

Loyola Alumni Clerkship Committee, Co-Founder and Advisor

Legal Aid Society of New York, DACA Attorney Volunteer

Central District of California Pro Bono Civil Rights Panel, Los Angeles, CA

Bresee Youth Center, Reading Tutor and Career Mentor, Los Angeles, CA

LANGUAGES

Fluent in Spanish and Italian (lived in Rome, Italy)